IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.4049 OF 2007
IN
APPEAL NO.904 OF 2002
IN
WRIT PETITION NO.728 OF 1998

Indian Express Newspapers (Mumbai) Ltd. .. Appellant
V/s
Chandrakant Bhalekar & Ors. .. Respondents

Mr.Vinayak Shete with Ms.Poorvi Kamani for the Appellant.

Ms.Manisha Virkhare i/by Mr.Bhavesh Parmar for Respondent.

CORAM : DR.S.RADHAKRISHNAN, &
ANOOP V.MOHTA, JJ.

DATE : 27th November, 2007.

P.C.:

1. Heard the learned Counsel for the partries. By this Notice of Motion, the Appellant is seeking to recall the order dated 23.10.2007 whereby the Appeal was dismissed in default. Perused the affidavit in support of the Notice of Motion. For the reasons stated therein, sufficient cause is made out for recalling of the order dated 23.10.2007. There is no case of inaction, negligence or want of bonafide on the part of the Appellant. Hence the Notice of Motion is made absolute in terms of prayer clause (a).

2. Place the Appeal No.904/2002 on board for final hearing on 4.12.2007 alongwith the Appeal No.9/2002.

(ANOOP V.MOHTA, J.) **(DR.S.RADHAKRISHNAN, J.)**